

INGELHEIM CORP.; BOEHRINGER)
 INGELHEIM PHARMACEUTICALS INC.;)
 BRISTOL-MYERS SQUIBB COMPANY)
 a/k/a BRISTOL-MYERS ONCOLOGY)
 DIVISION/HIV PRODUCTS; C.H.)
 BOEHRINGER SOHN)
 GRUNDSTUCKSVERWALTUNG GMBH &)
 CO. KG; DEY, INC.; DEY, L.P.; EMD, INC.;)
 GENEVA PHARMACEUTICALS INC.;)
 GENSIA INC.; GENSIA SICOR, INC.;)
 GLAXO WELLCOME INC. f/k/a)
 BURROUGHS WELLCOME CO.;)
 GLAXOSMITHKLINE PLC; HOECHST)
 MARION ROUSSEL, INC.; IMMUNEX)
 CORP.; LIPHA, S.A.; McGAW, INC.;)
 MERCK KGaA; MYLAN LABORATORIES,)
 INC.; MYLAN PHARMACEUTICALS,)
 INC.; NOVARTIS AG; PHARMA)
 INVESTMENT, LTD.; ROXANE)
 LABORATORIES, INC.; SANDOZ, INC.;)
 SCHERING-PLOUGH CORP.; SICOR, INC.)
 f/k/a GENSIA PHARMACEUTICALS, INC.;)
 SMITHKLINE BEECHAM CORPORATION)
 d/b/a GLAXOSMITHKLINE; TEVA)
 PHARMACEUTICAL INDUSTRIES, LTD.;)
 WARRICK PHARMACEUTICALS CORP.;)
 Z.L.B. BEHRING,)
)
 Defendants.)
 _____)

Pursuant to Paragraph 15 of the Protective Order entered by this Court on December 13, 2002 (the “Protective Order”), Plaintiff STATE OF CALIFORNIA and *qui tam* plaintiff Ven-A-Care of the Florida Keys (hereinafter, “Plaintiffs”) respectfully move this Court for leave to file unredacted Exhibits A through K and Exhibits M through R to their First Amended Complaint in Intervention under seal.

The First Amended Complaint in Intervention includes information depicting the pricing of certain drugs, identified in Exhibits A through K and Exhibits M through R, which have been identified by Defendants as “Confidential” pursuant to the terms of the Protective Order. Paragraph 15 of the Protective Order mandates that any document containing such information be filed under seal. Plaintiffs hereby comply with the terms of the Protective Order. At this time, Plaintiffs take no position as to whether the pricing information so designated by Defendants is in fact “Confidential,” and explicitly reserve the right to challenge each such

designation in accordance with the terms of the Protective Order at a subsequent stage in the litigation of this action, should Plaintiffs deem such challenge appropriate and necessary. In the interest of giving Defendants the opportunity to challenge any public disclosure of the designated information, Plaintiffs respectfully request leave to file Exhibits A through K and Exhibits M through R of their First Amended Complaint in Intervention under seal. As appropriate, copies will also be individually served on each Defendant to whom a particular exhibit applies, *i.e.*, an unredacted version of Exhibit A will be served on Defendant Abbott Laboratories, Inc., but no other Defendants, and so forth.

In accordance with Paragraph 29 of the Protective Order, Plaintiffs have also filed redacted versions of Exhibits A through K and Exhibits M through R with the First Amended Complaint in Intervention, along with Exhibit L, for use as a public version pending the Court's ruling on the instant Motion. Exhibit L to the First Amended Complaint in Intervention does not contain confidential information.

A proposed order is attached hereto.

Dated: August 25, 2005

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Attorney General of the State of California

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Senior Assistant Attorney General (*Ret.*)

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Supervising Deputy Attorney General

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TIMOTHY FOOTE
Deputy Attorney General

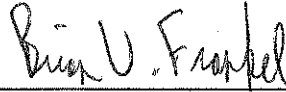
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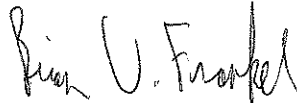
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CERTIFICATE OF SERVICE

I, BRIAN V. FRANKEL, hereby certify that on August 25, 2005, I caused a true and correct copy of the foregoing, **MOTION FOR LEAVE TO FILE UNREDACTED EXHIBITS TO FIRST AMENDED COMPLAINT IN INTERVENTION UNDER SEAL, AND [PROPOSED] ORDER** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to Verilaw Technologies for posting and notification to all parties.

Dated: August 25, 2005



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